

AMENDED IN ASSEMBLY APRIL 12, 2005

AMENDED IN ASSEMBLY MARCH 8, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 187

**Introduced by Assembly Member Mountjoy
(Principal coauthor: Assembly Member Bogh)**

(Coauthors: Assembly Members Aghazarian, Benoit, Blakeslee, Cogdill, Daucher, DeVore, Emmerson, Frommer, Garcia, Harman, Haynes, Shirley Horton, Huff, Keene, La Malfa, Leslie, Maze, McCarthy, Plescia, Richman, Sharon Runner, Strickland, Tran, Villines, Walters, and Wyland)

January 25, 2005

An act to ~~amend Section 3311 of, and to add Section 3307.5 to, add Sections 3113 and 3114 to the Elections Code, relating to overseas voters.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 187, as amended, Mountjoy. Overseas military voting.

Existing law ~~permits a citizen residing outside of the United States to register to vote, apply for, and cast, an absent voter ballot in a federal election if that person was domiciled in California immediately prior to his or her departure from the United States.~~ *sets forth the requirements for the special absentee voter application and the voting procedures for special absentee voters, as defined.*

Existing law requires that absentee ballots cast pursuant to these procedures be received by the county elections official not later than ~~8 p.m. on the day of a federal election~~ *the close of the polls on election day.*

This bill would require that the identification envelopes for ~~all active military personnel stationed overseas~~ *American military or civilian personnel involved in conflicts with hostile forces serving in a combat or hostile fire zone and military or civilian personnel evacuated for medical treatment* contain a declaration, under penalty of perjury, by the voter stating that he or she completed the ballot on or before the day of the election. This bill would extend the time period for the receipt of absentee ballots of active military personnel stationed overseas that are postmarked or signed and dated by the day of a federal election to not later than 10 days after the election.

This bill, by adding to the duties of county elections officials and creating a new crime, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 3307.5 is added to the Elections Code,~~
2 ~~to read:~~
3 ~~3307.5.—~~
4 ~~SECTION 1. Section 3113 is added to the Elections Code, to~~
5 ~~read:~~
6 ~~3113. In addition to the requirements set forth in Sections~~
7 ~~3011 and 3307, 3103, the identification envelope for the absentee~~
8 ~~ballots of active military personnel stationed overseas~~ *American*
9 ~~military personnel or civilian personnel involved in conflicts with~~
10 ~~hostile forces serving in a combat or hostile fire zone and~~
11 ~~military or civilian personnel evacuated for medical treatment~~
12 shall contain the following:

1 (a) A declaration, signed under penalty of perjury, stating that
2 the voter has completed the ballot on or before the date of the
3 election.

4 (b) A notice plainly stamped or printed on the envelope stating
5 that the envelope contains an overseas absentee ballot.

6 ~~SEC. 2. Section 3311 of the Elections Code is amended to~~
7 ~~read:~~

8 ~~3311. (a) All absentee ballots cast pursuant to this chapter~~
9 ~~shall be received by the county elections official not later than 8~~
10 ~~p.m. on the day of a federal election.~~

11 ~~(b) Notwithstanding subdivision (a), absentee ballots of active~~
12 ~~military personnel stationed overseas and postmarked or signed~~
13 ~~and dated by the day of the federal election shall be received by~~
14 ~~the county elections official not later than 10 days after that~~
15 ~~federal election.~~

16 *SEC. 2. Section 3114 is added to the Elections Code, to read:*

17 *3114. Notwithstanding Section 3102 or any other provision of*
18 *law, the absentee ballots of American military personnel or*
19 *civilian personnel involved in conflicts with hostile forces serving*
20 *in a combat or hostile fire zone and military or civilian personnel*
21 *evacuated for medical treatment that are postmarked or signed*
22 *and dated by the date of the federal election shall be received by*
23 *the county elections official not later than 10 days after that*
24 *federal election.*

25 SEC. 3. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution for
27 certain costs that may be incurred by a local agency or school
28 district because, in that regard, this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the
30 penalty for a crime or infraction, within the meaning of Section
31 17556 of the Government Code, or changes the definition of a
32 crime within the meaning of Section 6 of Article XIII B of the
33 California Constitution.

34 However, if the Commission on State Mandates determines
35 that this act contains other costs mandated by the state,
36 reimbursement to local agencies and school districts for those
37 costs shall be made pursuant to Part 7 (commencing with Section
38 17500) of Division 4 of Title 2 of the Government Code.